

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

1. - 10. (cancelled)

11. (currently amended) A spinal facet cap for correcting asymmetry between left and right facet joints of a vertebra, comprising:

a shim portion for inserting into a facet joint of a spine; and

an alignment portion for maintaining alignment of said shim portion within said facet joint;

wherein said alignment portion ~~comprises a~~ consists of at least one boss along at least one edge of disposed on said shim portion.

12. (currently amended) ~~The spinal facet cap of claim 11;~~ A spinal facet cap for correcting asymmetry between left and right facet joints of a vertebra, comprising:

a shim portion for inserting into a facet joint of a spine; and

an alignment portion for maintaining alignment of said shim portion within said facet joint;

wherein said alignment portion comprises at least one facet hook disposed ~~along at least one edge of~~ on said shim portion, for receiving either one of the superior facet or the inferior facet of a vertebra.

13. (currently amended) The spinal facet cap of claim ~~[[11]]~~ 12, wherein said alignment portion comprises two facet hooks disposed ~~along two edges of~~ on said shim portion, one said facet hook for receiving the superior facet of a first vertebra, a second said facet hook for receiving the inferior facet of a second vertebra.

14. (currently amended) The spinal facet cap of claim ~~[[13]]~~ 11, wherein said shim portion is wedge-shaped.

15. (currently amended) The spinal facet cap of claim ~~[[13]]~~ 11, wherein said alignment portion further comprises a tongue having an orifice.

16. (cancelled)

17. (original) The spinal cap of claim 13, wherein the relative distance between facet hooks is adjustable.

18. (original) The spinal facet cap of claim 14, wherein the thickness of said wedge-shaped shim portion is adjustable.

19. (previously presented) A method for treating scoliosis in a subject in need thereof comprising implanting in an unmodified facet joint of the subject a spinal facet cap, said spinal facet cap comprising a shim portion and an alignment portion, such that scoliosis in the subject is treated.

20. (previously presented) The method of claim 19, wherein a spinal facet cap is implanted in each of two or more unmodified facet joints of the subject, such that scoliosis in the subject is treated.

21. (original) The method of claim 19, further comprising evaluating the subject for the number, size, shape, location, and placement of spinal facet caps required to treat scoliosis in the subject.

22. (original) The method of claim 21, wherein an imaging system is used to evaluate the subject.

23. (original) The method of claim 22, wherein the imaging system is selected from computed tomography (CT), radiography, or magnetic resonance imaging (MRI).

24. (currently amended) The method of claim 19, further comprising providing at least one facet hook ~~along at least one edge of~~ on the shim portion, for receiving either one of the superior facet or the inferior facet of a vertebra.

25. (currently amended) The method of claim 19, further comprising providing two facet hooks ~~along two edges of~~ on the shim portion, one said facet hook for receiving the superior facet of a first vertebra, a second said facet hook for receiving the inferior facet of a second vertebra.

26. (currently amended) The method of claim ~~[[25]]~~ 24, further comprising providing on said alignment portion a tongue having an orifice.

27. (currently amended) The method of claim [[25]] 19, further comprising providing a wedge-shaped shim portion.

28. (previously presented) The method of claim 19, wherein implanting said spinal facet cap in said unmodified facet joint comprises correcting asymmetry between left and right facet joints of a vertebra.

29. (new) A spinal facet cap for correcting asymmetry between left and right facet joints of a vertebra, comprising:

    a shim portion for inserting into a facet joint of a spine; and  
    an alignment portion for maintaining alignment of said shim portion within said facet joint;

    wherein said alignment portion comprises at least one boss disposed on said shim portion, and at least one facet hook disposed on said shim portion, said at least one boss and said at least one facet hook for receiving, respectively, either one of the superior facet and the inferior facet of a vertebra.

30. (new) The spinal facet cap of claim 12, wherein said shim portion is wedge-shaped.

31. (new) The spinal facet cap of claim 12, wherein said alignment portion further comprises a tongue having an orifice.

32. (new) The spinal facet cap of claim 29, wherein said shim portion is wedge-shaped.

33. (new) The spinal facet cap of claim 29, wherein said alignment portion further comprises a tongue having an orifice.